

BEFORE THE BOARD OF OSTEOPATHIC EXAMINERS
FOR THE STATE OF ARIZONA

IN THE MATTER OF:) Case No. 1796
DAVID VAN BUREN, D.O.)
Holder of License No. 2675) STIPULATION FOR FINDINGS
OF FACT, CONCLUSIONS OF
LAW AND CONSENT ORDER

By mutual agreement and understanding, the Arizona State Board of Osteopathic Examiners ("Board") and David Van Buren D.O. ("Respondent") agree to the following final disposition of the Board's Complaint and Notice of Hearing issued for this matter on March 8, 1995.

1. Respondent acknowledges that he has read this Stipulation and the attached Findings of Fact, Conclusions of Law and Consent Order; and, he is aware of and understands the content of this document.

2. Respondent understands that by entering into this Stipulation he voluntarily relinquishes any rights to a hearing or judicial review on the matters alleged in the Stipulated Findings of Fact and Conclusions of Law or to otherwise challenge this Board Consent Order or pursue any cause of action against the Board arising out of this matter.

3. Respondent acknowledges his understanding that this Stipulation and Consent Order will not become effective until approved by the Board and signed by its Executive Director.

4. Respondent further understands that this Stipulation and Consent Order, once approved and signed, shall constitute a public record which maybe disseminated as a formal disciplinary action of the Board.

5. Any admissions made by Respondent are solely for the stipulated disposition of the Board Complaint and are not intended as an admission against his interest or an admission of liability in any civil litigation or for use in any criminal proceeding.

6. Respondent is aware that any violation of said Consent Order constitutes unprofessional conduct pursuant to A.R.S. § 32-854(26) and may result in disciplinary action pursuant to A.R.S. § 32-1855.

ACCEPTED this 25th day of March, 1995.

David A. Van Buren
DAVID VAN BUREN, D.O.

Reviewed and Approved as to form by:

Counsel for Respondent

FINDINGS OF FACT

1. The Board of Osteopathic Examiners of the State of Arizona ("Board") is the duly constituted authority for the regulation and control of the practice of osteopathic medicine in the State of Arizona, pursuant to A.R.S. § 32-1800, et seq., as amended.

1 2. David Van Buren, D.O. (hereinafter, "Respondent"),
2 is the holder of License No. 2675 for the practice of medicine in
3 the State of Arizona.

4 3. The Board duly served a formal complaint (Case No.
5 1796) upon Respondent and his counsel which is dated March 8,
6 1995.

7 4. On March 10, 1995, at a public hearing of the Board
8 the Respondent with counsel came before the Board. At such time
9 counsel for the State presented the terms for a stipulated order
10 for disposition of this matter and Respondent agreed to accept
11 the terms described for the stipulated disposition of this
12 matter.

13 5. Pursuant to the aforementioned stipulation which is
14 incorporated herein by reference, the Board finds that the
15 factual allegations set forth in the Board's complaint at
16 paragraphs I, II, III, IV and V are true and supported by
17 substantial evidence, for the purposes of these administrative
18 proceedings. Concerning the factual allegations set forth in
19 paragraph VI of the complaint, no finding is made and the
20 allegation is dismissed.

21 CONCLUSIONS OF LAW

22 6. The Board of Osteopathic Examiners of the State of
23 Arizona possesses jurisdiction over the subject matter hereof and
24 over Respondent, and pursuant to A.R.S. § 32-18000, et seq., as
25 amended.

1 7. The conduct of Respondent described in paragraph II
2 constitutes unprofessional conduct as defined at A.R.S.

3 § 32-1854(9), i.e., procuring or attempting to procure a license
4 to practice osteopathic medicine by misrepresentation.

5 8. The conduct of Respondent described in paragraphs
6 III, IV and V establishes that, pursuant to A.R.S. § 32-1855(J),
7 Respondent presently is mentally unable to safely engage in the
8 practice of medicine.

9 CONSENT ORDER

10 Pursuant to the authority vested in the Board by A.R.S.
11 § 32-1855 and A.R.S. § 41-1061(D), IT IS HEREBY ORDERED THAT:

12 1. DAVID VAN BUREN, D.O. (Respondent) is suspended for
13 a minimum of one year, commencing from December 23, 1994 from the
14 practice of osteopathic medicine. Upon conclusion of the
15 aforementioned term of suspension, Respondent may apply to the
16 Board for reinstatement of his license but there shall be no
17 assurance of licensure reinstatement. While Respondent's
18 osteopathic physician license is suspended he shall comply with
19 all the terms and conditions of this order.

20 2. During the first year of Respondent's license
21 suspension, he shall obtain psychiatric or psychological
22 treatment by a therapist(s) who is either a license psychiatrist
23 and/or psychologist and is selected by Respondent. Respondent
24 shall undertake and fully cooperate with a program of treatment
25 established by the therapist which shall involve at least a
26 minimum of fifteen (15) hours per month of direct personal

1 therapy sessions and commencing no later than the first month
2 after the effective date of this order.

3 3. Respondent shall direct his treating therapist to
4 send to the Board a written progress report every two (2) months;
5 and Respondent shall waive any confidentiality concerning his
6 psychotherapy in order that the Board may receive a full
7 disclosure of information. The expense of the aforementioned
8 therapy and the reports to the Board by Respondent's therapist
9 shall be the sole responsibility of the Respondent.

10 4. After six (6) months of therapy, from the effective
11 date of this order, Respondent may submit a written request to
12 the Board seeking modification of the minimum number of hours of
13 therapy, if the request is supported by a written recommendation
14 of the treating therapist; but, any modification of the
15 requirements for a minimum number of hours of treatment shall
16 remain subject to the Board's sole discretion.

17 5. If Respondent's license to practice as an
18 osteopathic physician is reinstated by the Board, the
19 reinstatement may be subject to placement of Respondent on
20 probation and subject to restrictions on his medical practice
21 activity at the Board's sole discretion and without Respondent's
22 consent and approval.

23 6. Determination of whether Respondent may have his
24 license to practice as an osteopathic physician reinstated
25 (either with or without probationary conditions attached thereto)
26 will depend upon the following:

- 1 (A) The Board finding that Respondent has the requisite
2 emotional and psychological fitness to resume the
3 practice of medicine; and,
4 (B) There are no new grounds for finding unprofessional
5 conduct concerning Respondent; and,
6 (C) Respondent shall, as part of the reinstatement of
7 license process, submit to and cooperate in an
8 independent evaluation of Respondent by the Board's
9 designated psychiatrist and psychologist which
10 shall be paid for by the Board; and,
11 (D) Respondent may submit with his request for
12 reinstatement a report from his treating
13 psychiatrist or psychologist setting forth a
14 recommendation as to his fitness for returning to
15 the practice of medicine with supporting
16 explanation for the opinion; and,
17 (E) Respondent shall pay the Board's designated
18 psychiatrist and psychologist (Dr. Beck and
19 Dr. Pitt) for the previously ordered evaluation;
20 and, payment in full shall be made within 60 days
21 from the date of this stipulated order being issued.

22 7. The Board's executive director shall report to the
23 appropriate law enforcement agency the evidence the Board has
24 received and collected concerning the conduct of the Respondent
25 involving possible criminal acts of public indecency. This
26 action is ordered in compliance with A.R.S. § 32-1855(L).

1 8. Failure by the Respondent to comply with the terms
2 of the stipulated order shall constitute unprofessional conduct
3 and grounds for disciplinary action pursuant to A.R.S.
4 §§ 32-1854(26) and 32-1855.

5 ISSUED AND EFFECTIVE this 4th day of April, 1995.

6 ARIZONA BOARD OF OSTEOPATHIC
7 EXAMINERS IN MEDICINE AND SURGERY

8 Robert J. Miller
9 Robert J. Miller, Ph.D.
10 Executive Director

11 COPY of the foregoing mailed this
12 4th day of March, 1995, to:

13 David Van Buren, D.O.
14 2824 East Pegasus Street
15 Gilbert, Arizona 85234

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19 Phoenix, Arizona 85012-2742
20 Attorney for Respondent

21 Michael Harrison, Esq.
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25 By: _____
26 Legal Secretary
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